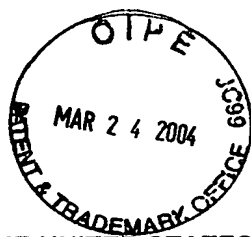


Engr 80  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599



2871  
ATTORNEY DOCKET NO. 10010923-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John C. Kralik

Serial No.: 09/635,606

Examiner: DUONG, Thoi V.

Filing Date: August 10, 2000

Group Art Unit: 2871

Title: METHODS OF FABRICATING PDLA OPTICAL DEVICES

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☐ No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")  
☐ Other: (Fee \$\_\_\_\_)

| CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY                            |  |  |  |   |             |                           |
|---|--|--|--|---|-------------|---------------------------|
| (1)<br>FOR  | (2)<br>CLAIMS REMAINING<br>AFTER AMENDMENT               | (3)<br>NUMBER<br>EXTRA                                   | (4)<br>HIGHEST NUMBER<br>PREVIOUSLY PAID FOR             | (5)<br>PRESENT<br>EXTRA                                   | (6)<br>RATE | (7)<br>ADDITIONAL<br>FEES |
| TOTAL<br>CLAIMS   |  | MINUS  |  | =   | X 18        | \$                        |
| INDEP.<br>CLAIMS  |  | MINUS  |  | =   | X 86        | \$                        |
| <input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM |  |  |  |   | + 290       | \$                        |
| EXTENSION<br>FEE  | 1 <sup>ST</sup> MONTH<br>110.00 <input type="checkbox"/> | 2 <sup>ND</sup> MONTH<br>420.00 <input type="checkbox"/> | 3 <sup>RD</sup> MONTH<br>950.00 <input type="checkbox"/> | 4 <sup>TH</sup> MONTH<br>1480.00 <input type="checkbox"/> |             | \$                        |
| OTHER FEES  |  |  |  |   |             | \$                        |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                                   |  |  |  |   |             | \$                        |

Charge \$\_\_\_\_\_ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,  
JOHN C. KRALLIK

By

Stephen J. Gaudet  
Attorney/Agent for Applicant(s)

I hereby certify that this correspondence is being Deposited with the United States Postal Service as First class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: March 22, 2004

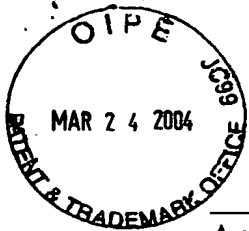
Typed Name: Stephen J. Gaudet

Signature:

Reg. No. 48,921

Date: March 22, 2004

Telephone No. 617-854-4000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                    |                             |   |                                |
|--------------------|-----------------------------|---|--------------------------------|
| <b>Applicant:</b>  | Kralik, J.C.                | ) |                                |
| <b>Serial No.:</b> | 09/635,606                  | ) |                                |
| <b>Filed:</b>      | August 10, 2000             | ) | <b>Art Unit:</b> 2871          |
| <b>Title:</b>      | Methods of Fabricating      | ) | <b>Examiner:</b> Duong, Thoi V |
|                    | PDLIC Optical Devices       | ) |                                |
| <b>Docket No.:</b> | 6536-118 (28579-118)        | ) |                                |
|                    | (Now Docket No. 10010923-2) | ) |                                |

BOX NON-FEE AMENDMENT  
Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING (37.C.F.R. 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX NON-FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

MARCH 22, 2004  
date of mail deposit

By: Jacob N. Erlich  
Jacob N. Erlich  
Reg. No. 24,338  
Attorney for Applicant

Interview Summary

Sir:

In response to an interview conducted on February 19, 2004, Applicant submits this interview summary.

Present during the telephonic interview were examiners Thoi V Doung and Tarifur Chowdhury, attorneys Stephen J. Gaudet and Jacob Erlich, and the inventor, John Kralick.

Current status: Applicant has filed a Request for Continued Examination. The Yamada reference was the primary subject for discussion. Applicant argued that Yamada does not disclose Applicant's claimed invention. For example, Yamada discloses the requirement of alignment, whereas this limitation is absent in Applicant's claimed invention. In fact, alignment features are undesirable in Applicant's invention. The Examiners agreed that this was a difference between Yamada and Applicant's invention, however, they would like to have the opportunity to review the claims once again. Additionally, Applicant's agreed to amend the claims such that the diffractive or non-dispersive nature of the present invention would be made clear. Applicant suggested that a declaration from an expert may also help alleviate some of the Examiners' concerns.

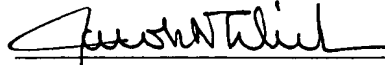
Another issue was discussed. Applicant claims a nematic liquid crystal being greater than 40%. The Examiners assert that Yamada does in fact disclose a nematic liquid crystal greater than 40%, specifically, between 50 to 97%. There is a difference of at least 10% between Yamada and what is claimed by Applicant. To further support Applicant's position, Applicant pointed out that Yamada states that if the liquid crystal accounts for less than 50%, then the practicality will be "ruined." [see '651, col. 15, ln 55 - 63]

Applicant also suggested that a Request for Continued Examination (RCE) may be the appropriate vehicle for continuing the prosecution of this case, the Examiners agreed, as stated above, Applicant has filed the RCE.

The Examiner is invited to call the undersigned attorney at (617) 854-4281 should he determine that a telephonic interview would expedite prosecution of this case.

Respectfully submitted,

Date: MARCH 22, 2004

A handwritten signature in black ink, appearing to read "Jacob N. Erlich", written over a horizontal line.

Jacob N. Erlich  
Attorney for Applicant  
Reg. No. 24,338